

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 1887 OF 2001 (M/S)
(Old No. 40155/99)

Narain Singh S/o Sri Deegar Singh
R/o Subhash Nagar, Haldwani
District Nainital.

.....Petitioner

Versus

1. District Judge, Nainital.
2. Vihit Adhikari/ Nagar Magistrate, Haldwani, Nainital.
3. State of U.P. through Upper District Magistrate (Nazul) District
Nainital. Respondents.

12.04.2006

*Sri M.C. Kandpal, Learned Senior Counsel for the petitioner.
Learned Standing Counsel for the respondents.*

Hon'ble Rajesh Tandon, J.

Heard Sri M.C Kandpal, Counsel for the petitioner and
Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a
writ of certiorari quashing the orders dated 24.08.1999,
31.07.1996 & 25.6.1996 and directing the respondents not to
interfere in the peaceful possession.

Briefly stated according the case of petitioner, he is in
possession over the area of 257.74 Sq.mtr. situated in Nazul land,
Shubhash Nagar, Haldwani, Nainital which is under Public Premises
(Eviction of Unauthorised Occupant) Act. The petitioner has filed his
objections stating therein that the land is not a public premises and
as such proceedings have been wrongly initiated. The prescribed
authority has passed the order that petitioner is in unauthorized
occupation of the premises. The petitioner has preferred an eviction
appeal No. 37/97 under Section 9 of U.P. Public Premises (Eviction
of Unauthorised) Act before the District Judge, Nainital, the same
was dismissed vide order dated 24.08.1999 on the ground that the
disputed land is covered under the public premises on the basis of

Surveyor's report and the provisions of U.P. Public Premises (Eviction & Unauthorised) Act applies.

Liberty is given to the petitioner to apply before authority concerned for regularization and in case the petitioner files an application for regularization, the same may be considered in accordance with law.

Subject to the aforesaid observation, since two courts below have found that the petitioner is unauthorized occupant so I find no merit in the submission of the petitioner so as to interfere under Article 226 of the Constitution of India.

Writ Petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

12.04.2006

Jain